

UPPER DELAWARE COUNCIL MEETING MINUTES July 6, 2017

The Upper Delaware Council held its monthly meeting on Thursday, July 6, 2017 at the Council office in Narrowsburg, NY. Chairperson Jim Greier called the meeting to order at 7:02 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold G. Roeder, Jr., Town of Cohecton-Larry Richardson, Town of Highland-Debra Conway, Town of Lumberland-Leigh Sherman, Town of Deerpark-David Dean, Damascus Township-Jeff Dexter, Berlin Township-Alan Henry, Lackawaxen Township-Doug Case, Shohola Township-Aaron Robinson, Westfall Township-Mike Barth (7:06p.m.), State of New York-Bill Rudge, Commonwealth of Pennsylvania-Tim Dugan, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Pete Golod, Secretary-Cindy Odell. Absent: Town of Tusten, Delaware River Basin Commission. Media: Dave Hulse, Peter Becker. Guests: Chris VanMaaren, NYS DEC; Don Hamilton, NPS; Carla Hahn, NPS; Fred Gender, Lee Hartman, Jackie DeSau, Jim Barth

Presentation by NYS DEC Region 4 Fisheries Manager Chris VanMaaren: NYS Trout Fishing Regulations: Greier welcomed VanMaaren who noted he had given this presentation on April 19th at the Hancock High School to about 100 people. The purpose of the meeting was to get public input to help define the fishery objectives, focusing on the tailwater section below the Pepacton and Cannonsville Reservoirs down to Hancock and then as far down as the coldwater trout fishery exists and looking solely at trout fishing regulations. He said the reason he initiated this was that he's been receiving a lot of comments that the state of the fishery was in decline with catch rates and size structure of the catch going down. They were being asked to be more conservative with the regulations. Public input is used to see where the value is placed. Those values are: target species, harvest rates vs. catch rates, if they value size structure or are they looking at sustainability. VanMaaren noted that the fishery objective is really the core of the whole system. He said they gather public input and biological data input to help inform the objective.

VanMaaren showed a PowerPoint presentation on the components that influence Fisheries Management Objectives. The components include species composition, size structure, sustainability, catch rates, and harvest rates. Management also takes into account biological data, habitat improvement, stocking, and regulations in formulating fishery objectives. He stated that currently there are a lot of regulations and he would like to simplify it. He spoke of a 1990's telemetry study that demonstrated how much fish move throughout the river system. VanMaaren summarized the current regulations governing fishing seasons, minimum size and creel limits, and catch rates, which all vary for different sections of the tailwaters. He also summarized some key findings from previous studies on catch rate and size structure for the different sections. VanMaaren stated that, when border waters are involved, NYS DEC likes to be "on the same page" with the other state agency.

VanMaaren said he provides all the statistics as DEC is receiving a big push towards expanding the catch and release sections of the river. He noted that over the years, the ethic for catch and release has increased. He stated, "If in fact the fishery is declining, is it because of harvest from humans or a harvest from whether it's eagles, mergansers, whatever. There are a lot of possibilities." He noted that there is not a lot of data from 2006 forward.

VanMaaren spoke of a study they're conducting with Pennsylvania doing monthly sampling for both adults and young of the year throughout the summer to create an abundance index. They hope results will help them to respond to the fishery changes in a quicker fashion. He noted they are also conducting a PIT (Passive Integrated Transponder) tag study to track the movement of individual fish in order to evaluate how trout are utilizing tributaries in the system, be it for thermal refuge or spawning habitat. He said they are working with a few of the guides who have purchased the PIT readers themselves. He referred to this as a "nice citizen science" that they do.

VanMaaren reported that at the end of the Hancock meeting, an hour or two of public input was offered. Speakers were asked to provide their name, relationship to the river, their priorities within the fishery objectives, and their suggestions on regulations. He said approximately 35 comments were provided that night and he has received 50 or so since then. He noted that the vast majority favored expanding the catch and release fishing to more of the system.

Lee Hartman, a guide on the river, stated that he is getting involved with the fish tagging with Ben Rinker. He questioned how far down DEC is going with their PIT tagging. VanMaaren said they have put about 500 tags so far in the West Branch of the 1,000 purchased. He noted it is harder to sample in the main stem based on the gear that they have. They may tag some East Branch fish, he said, adding that he is not sure they will get all 1,000 tags out this year.

Peckham spoke of an article he read regarding the mortality rate when keeping fish out of the water for certain amounts of time. VanMaaren said there is some mortality associated with catch and release and a lot of variability based on how the fish has been handled.

Heister questioned if any arrays will be placed on the main stem. VanMaaren said they are exploring that option at this point.

Ramie asked if there are any regulation changes proposed at this time. VanMaaren said no; contemplated, but no official proposal yet. He said they will look to build up more of their biological data and sit down with Pennsylvania to work cooperatively before they move forward with any proposals. Henry questioned what kind of public comment will be solicited for proposed regulation changes. VanMaaren said it would go out for public comment twice.

A brief discussion about the regulations of New York and Pennsylvania took place.

Lee Hartman stated that the Rainbow Trout is what attracts so many anglers to the Delaware River. He feels this fish needs to be protected as there is a \$20 million annual economy that is generated by fishermen. Hartman said the river guides are trying to protect their own interests and want to cooperate with landowners. He said a large majority of the boats on the river are not owned by guides. VanMaaren concluded with, "The bottom line really is it's a very popular fishery, there's a lot of different interest groups, and it's a challenge to manage quite honestly."

Greier thanked VanMaaren for his presentation and presented him with a UDC lapel pin.

Approval of June 1 Meeting Minutes: A motion by Richardson seconded by Henry to approve the June 1 meeting minutes was carried unanimously.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: June 20 Water Use/Resource Management by Peckham, June 27 Project Review by Richardson, and June 27 Operations by Greier.

Status Reports

Delaware River Basin Commission: The DRBC was absent, however, the July 2nd hydrologic report was provided in members' packets.

NYS Dept. of Environmental Conservation: Rudge referred to the July 3 news release titled, "New Record Established for New York's Breeding Bald Eagles" provided in members' packets. He said that Commissioner Seggos announced that a record-breaking estimated 323 breeding pairs has been reported. He said this is a really good sign of how effective New York State has been in the restoration and recovery

of the bald eagle in the northeastern United States, and the news confirms that the rivers, lakes and forests are capable of supporting the nation's symbol for generations to come.

PA Dept. of Conservation & Natural Resources: Dugan reported that the Commonwealth budget has been passed to Governor Wolf. He had not yet signed it as of this afternoon as he was waiting for a spending plan, Dugan added. A \$33 billion budget was sent to the Governor, but they only anticipate \$31 billion in revenue coming in the next fiscal year. Dugan reported on ways the Commonwealth has initiated and is considering to generate more revenue.

Dugan reported on the Pennsylvania Supreme Court's June 20 ruling that the proceeds from oil and gas sales are part of a public trust that must be used to defend the natural environment. He noted there are different interpretations of the ruling and how the money can be spent.

Dugan noted that Pennsylvania's proposed budget did contain a slight decrease for the Department of Conservation and Natural Resources. He said the Department of Environmental Protection's budget was cut again this year to \$148 million. In 2002, their budget was \$246 million.

Dugan stated that he is fully aware of the Commonwealth's original intent to garner \$100,000 per year in support of the Upper Delaware Council. He spoke of proposed cuts to DCNR Bureau of Recreation and Conservation programs.

National Park Service-Upper Delaware: Heister provided river contact statistics for June and the first four days of July. These contacts represent those by NPS staff as well as National Canoe Safety Patrol. For June, the number of visitor contacts on the river was 1,933 people; there were 22 rescues; and 14 boat-overs. For July 1 – 4, the number of visitor contacts on the river was 1,905; there were 37 rescues; and 35 boat-overs. She stated it was "a busy 4th of July weekend" and provided some details.

Heister reported that the first loaner life jacket station has been installed at Kittatinny Canoes' Luke's Landing. These stations with various sized life jackets will be installed at locations where there are a lot of swimmers, as statistics show that the vast majority of those that drown are swimmers. There will eventually be six of these stations in total.

Heister encouraged members and others to visit the Park Service's website at www.nps.gov/upde/index.htm to view the Upper Delaware virtual tour that is now live.

Heister announced that the National Park Service and the Zane Grey's West Society will host the 13th Annual Zane Grey Festival on Saturday, July 15, 2017 from 10 am to 4 pm. The festival is free of charge and will be held at the Zane Grey Museum, 135 Scenic Drive, in Lackawaxen, PA.

Heister stated that their Wild and Scenic Rivers fellow will be starting in the park on July 17th until September 30th. Next year is the 50th anniversary of the Wild and Scenic Rivers Act and the intern will be working on understanding youth engagement in the Upper Delaware, both from the perspective of the National Park Service as well as within our communities. She told members that if their towns or townships have really cool youth engagement programs, she would love to know what they are in order to introduce the intern to them.

UDC Executive Director's Report: Ramie reported there has not been any breakthrough in regaining access to the balance of our federal funds from our FY 2017 Cooperative Agreement. She noted we have enough unrestricted funds to operate through September with careful spending. She stated we have not been given any timetable for when to expect the completion of the internal review at the Department of Interior level. Heister added that she has no idea about the timing either. Ramie said that since our revised paperwork package for FY 2017 was submitted to the NPS on June 9th, we've been subjected to further justification questions and revision directives. The revised documents for the budget and an annual work plan are the subject of a retroactive resolution under New Business since they are now in the hands of the NPS Northeast Regional Office Contracting Division.

Ramie noted that we are grateful for the support that has been expressed by several groups as we cope with the uncertainty of this funding delay. Some of these groups include the National Parks Conservation Association, Friends of the Upper Delaware River, and the Coalition for the Delaware River Watershed, who have reached out to their Washington contacts on our behalf. She said that Congressman John Faso sent a letter of inquiry and pledged to follow up personally with the Department of the Interior. Fellow NY Congressman Sean Patrick Maloney's office is looking into our situation, Ramie stated,

providing recent details of a phone conversation with one of his staff. Letters of concern for the UDC were sent to Secretary of the Interior Zinke by the Sullivan County Legislature on June 21 and Shohola Township on June 30, while NYS Senator John Bonacic directed his July 3rd letter to Congressman Faso. A copy of Bonacic's letter was provided in members' packets. Ramie read an email from Tusten UDC Representative Susan Sullivan regarding UDC funding since she could not be present. Sullivan wrote, "I have asked the Town of Tusten Supervisor to put this issue on the agenda for our upcoming meeting, asking the Board to approve sending letters to the Secretary of the Interior and to Governor Cuomo. I urge my fellow UDC representatives to ask their towns/townships to do the same. The removal of one half of the TAG dollars from the UDC budget in 2018 is, of course, part of that discussion, and something towns/townships need to be aware of as they plan their budgets. If we believe in what we are doing, and that this organization plays an important role in protecting the River Corridor, then all of us need to reach out to whoever we know, from local to county to state officials, with a letter or email or phone call."

Ramie provided details of a verbal response from the UDC's auditor of 29 years Dick Eckersley to a question posed from our Operations Committee regarding the reimbursement of our unrestricted funds that are being used for operational expenses now as the federal funding is currently held up. Ramie said that Eckersley will be sending a written response, but stated that he feels the UDC is in effect lending money from the UDC unrestricted account to the federal funding account and the fund will not be depleted as long as NPS honors its obligation to meet that debt, which is accounted for as a receivable. Henry shared his concerns about those funds not being paid back this fiscal year. Rudge stated it is not unusual for the federal government to pay their debts beyond the fiscal year they were incurred. Robinson said the money is already obligated and the UDC has a contract with the federal government for this year so for them not to pay, they would be renegeing on the contract. Heister stated that it is her opinion that it is critical to "kick this out of the Department of the Interior before September 30th." A very lengthy discussion regarding this issue took place. Dugan spoke of his federal funding experiences. Rudge feels it is very unlikely that the federal government would renege on what they've already agreed to. Henry reiterated his concerns about that funding not coming through until the next fiscal year. Richardson commented that we have had support from our New York elected officials and questioned "Where's Pennsylvania?". Ramie said that none of her phone calls have been returned at this point. Richardson wondered why the Pennsylvania elected officials are not interested in the well-being of the Council. Dugan offered his assistance in making these contacts. It was suggested to contact the U.S. Senators for both New York and Pennsylvania regarding the UDC's federal funding delay.

Ramie said she can't proceed with filing our request for FY 2018 funding until we resolve several of the expenses that have been called into question by the National Park Service even after 29 years of being accepted. We've been informed that the Member Participation Fees, which account for \$15,600 of the budget, do not meet all three criteria of being allowable, allocable, and reasonable. The primary issue, according to Heister, is that we have no documentation from the towns and townships about how that money is spent, which also differs from municipality to municipality. Ramie said the Operations Committee has been tasked with developing a recommendation for this issue, which ranges from discontinuing these fees to using those funds for other purposes to finding a new method that will be acceptable to the NPS. Ramie reported that the mileage reimbursement for meeting attendance is not in question as it is documented expense. Ramie shared Dick Eckersley's suggestion regarding member reimbursement which entails compensating the board members individually for their service to the organization which would need to be spelled out more specifically. She added that neither she or Eckersley know whether this conceptual scenario would satisfy the NPS concerns. Ramie read Susan Sullivan's email regarding UDC representative's compensation. It said, "Having read Superintendent Heister's explanation of our options, I would favor the option of Representatives being reimbursed at the discretion of their Town/Township, and then the Town/Township would send an invoice to the UDC. This seems much less burdensome to staff. I would also like to thank Laurie, Pete, and Cindy for all they have done in these difficult times. Apologies for not being able to attend this month's meeting." Ramie asked members for their recommendations as she does not feel this can wait another month since the FY 2018 funding paperwork including the budget should be submitted as soon as possible. Members shared their thoughts. Heister stated she did not feel this would be solved tonight, but she feels there are multiple ways to go about it. Richardson said he feels it would be "cleaner" if the Council came up with a payment schedule for the delegates. A brief discussion about how the different municipalities handle the members' participation

fee took place. Heister said regarding the members' participation fee, the River Management Plan says it is an allowable expense. She added that we currently don't know if it is allocable or reasonable. Heister stated that the member participation fee is just one of the items that will need to be addressed for the FY 2018 financial package. A brief discussion about NPS funding of trash removal and law enforcement took place. Heister said that she and Ramie will need to go through the River Management Plan to determine what costs will be allowable expenses. Greier asked what the basis for all this review is. Heister said that an Inspector General investigation of the National Park Service took place and the Northeast Region of the NPS failed on most levels. She added that the Northeast contracting office has been taken over by the Washington D.C. contracting office. After more discussion, Ramie said she would forward potential options regarding the members' participation fees for members' consideration and input, and would assist with the preparation of a position description for UDC representatives and alternates. This topic will be further discussed at this month's Operations Committee meeting.

Ramie noted that while we ponder the ultimate fate of the organization, we still need to take care of business at hand. She referred to the July 5 news release titled, "UDC Technical Assistance Grant Applications Due by Aug. 31" in members' packets. We have opened our FY 2018 Technical Assistance Grant program with numerous caveats about our unstable funding situation. The deadline for applications is August 31. The pool of funding for FY 2018 is down to \$15,100 and restricted project purposes are tied to zoning and land use. Ramie reported that August 18th is the deadline for submission of completed projects for our current round of TAGs. She added that River Clean-up Grant payment reimbursement requests are due by August 14.

Another 2017 project that we committed to accomplish by September 30 with funding reduced from the original \$4,000 to \$1,350 is the update of our Map & Guide brochure, Ramie reported. This project was last done in 2013, our supply has run out, and the directory of visitor-oriented businesses in the river corridor is outdated. A July 31 deadline to complete our in-house revision of all content and images has been set in order to turn the files over to the printer by August 7.

Ramie stated that a meeting took place this afternoon with Joy Oakes, the senior director for the National Parks Conservation Association's Mid-Atlantic Region, who was introducing their new Delaware River Program Manager, Sharon Davis, who started the position on June 27th. Sharon has an office in East Stroudsburg and will be serving both the Upper and Middle Delaware regions, including the Scenic Wild Delaware River Geotourism Initiative. Ramie said she provided Joy and Sharon with the originals of the resolutions of support for that initiative we had facilitated which were received from the Towns of Tusten, Delaware, Hancock, Lumberland, and Deerpark.

Ramie referred to a copy of a letter from the Sullivan County Visitors Association (SCVA) provided in members' packets. This response was received after three successive months of the 2017 travel guide cover and ads featured boaters without life jackets and generated two UDC letters on the subject commenting on the missed opportunity for water safety education. Ramie noted that while the Sullivan County government has been supportive of our efforts in this campaign, she said she had an extremely unpleasant and defensive encounter recently with a representative of SCVA and provided details. Sherman noted that the letter makes reference to a couple of National Park Service-related publications that have photos of boaters with no life jackets.

Ramie referred to the July calendar of UDC Meetings, Activities and Deadlines provided in members' packets. She said that staff will have UDC information booths at the July 15th Zane Grey Festival and the July 23rd Narrowsburg RiverFest, and will be present at the July 22nd Battle of Minisink activities. A presentation by Jack Flynn, Emergency Management Director for the Town of Deerpark, will take place at the September 7th full Council meeting. He will provide details about the emergency sirens public warning system recently done for Sparrowbush and shortly for Cuddebackville. Ramie stated that there is currently an opening for an August 3rd presentation. She said that Heather Brown, coordinator of the Sullivan County Office of Sustainable Energy, has offered to present to the Council at some point. Ramie asked members to provide her with recommendations.

Old Business: None

New Business:

Draft Resolution 2017-04: Adopting a Revised FY 2017 Budget and Work Plan: A motion to approve Resolution 2017-04 was made by Robinson, seconded by Peckham and carried.

Draft Resolution 2017-05: Accepting a Quote for Brochure Printing Services: A motion to approve Resolution 2017-05 was made by Peckham, seconded by Richardson and carried.

Draft Letters to NYS Governor Andrew Cuomo and PA Governor Tom Wolf: UDC State Funding: A motion to send the letters asking each state to contribute its 20% share of operating aid called for in the *Final 1986 River Management Plan for the Upper Delaware Scenic and Recreational River: New York and Pennsylvania* (RMP) was made by Henry, seconded by Robinson and carried with Rudge abstaining on the New York letter.

Draft Letter to NPS UPDE Superintendent Kris Heister: Zane Grey House Cultural Landscape Restoration: A motion to send the letter offering comments on the Upper Delaware Scenic and Recreational River's proposal to demolish and remove three structures at the Zane Gray House property in Lackawaxen, PA was made by Henry, seconded by Case and carried.

Draft Letter of Support: Sullivan County Grant for NYS DEC Highland Access: Ramie stated that Sullivan County is applying for funding through the New York State Consolidated Funding Application process for the Highland Access Project. A motion to send the letter of support was made by Conway, seconded by Henry. A brief discussion about some aspects of the project took place. A vote was taken and the motion carried.

Other: Dudko said she recently heard that the Park Service requires that local liveries "open their books". She asked for clarification regarding this. Heister told her that as part of their Commercial Use Authorization, there is a standard permit condition across the country that gives the NPS the right to look at their books. She added that it has never happened locally. Heister clarified this would pertain only to those that receive a Conditional Use Authorization from them. Dudko asked if the license holders are required to pay for each vessel they have out on the water. Heister said there is a fee schedule based on the number of customers in place that she will share with her.

Henry spoke of an article in the June 22-28 edition of *The River Reporter* which states in part, in reference to expired Department of the Interior forms, "Speaking at the June 1 UDC meeting, NPS Superintendent Kris Heister admitted the NPS share of the error, and said NPS would aid in re-submitting these forms." He feels this insinuates that the UDC was in part to blame and he does not feel that way at all. A brief discussion regarding this took place.

Public Comment: Dave Hulse suggested that Ramie reach out to D&H Transportation Heritage Council Chairman Cliff Robinson, Jr. to see if he would be available and willing to give a presentation on the D&H Canal at the August 3 meeting. Hulse spoke of Robinson's works.

Greier shared details of the Douglas City Days celebrations to take place July 14 & 15 in the Town of Fremont. He noted that Long Eddy is celebrating the 150th anniversary of Douglas City's incorporation.

Adjournment: A motion by Roeder, seconded by Peckham to adjourn the meeting at 9:25 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 7/18/17